

Issued August 30, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1593.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE JELLY, COMPOUND SUGAR JELLY, AND BLACKBERRY PIE FILLING COMPOUND.

At the November, 1911, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bessire & Co., a corporation, Indianapolis, Ind., in three counts, charging shipment by it from the State of Indiana into the State of Kentucky, in violation of the Food and Drugs Act—

(Count 1) On November 21, 1910, of a consignment of apple jelly, packed in a wooden tub, which was misbranded. The product was labeled: "Bessire & Company's Mother's Make Mince Meat, Pie Fillings, Jellies, Jams and Preserves, Pure Apple Jelly Our Serial Number is 6104. Guaranteed * * * If it's Mother's Make, It's It. Indianapolis. If it's Mother's Make It's It. Louisville. Made from Apple Stock, Fruit Acid and Granulated Sugar Bessire & Co. (Incorporated) Indianapolis Louisville." (12440-c)

(Count 2) On November 21, 1910, of a consignment of compound sugar jelly, packed in a wooden tub, which was misbranded. The product was labeled: (12443-c) "Bessire & Company's Mother's Make Mince Meat, Pie Fillings, Jellies, Jams and Preserves Compound Sugar Jelly Our Serial Number 6104. Guaranteed * * * If It's Mother's Make It's It. Indianapolis. If it's Mother's Make It's It Louisville, Fruit 38%. Corn Syrup, 40%, Sugar 21%, Gelatine, Tartaric Acid, Artificial Flavor and Color 1%."

Analyses of samples of the above products by the Bureau of Chemistry of this Department showed the following results:

	Apple jelly.	Compound sugar jelly.
Solids by specific gravity (per cent)-----	65.2	74.2
Nonsugar solids (per cent)-----	3.9	26.1
Sucrose, Clerget (per cent)-----	14.3	6.2
Reducing sugars as invert before inversion (per cent)---	47.0	41.9
Commercial glucose (factor 163)-----	None.	28.5
Polarization direct, temperature 24.5° C-----	2.1	66.7
Polarization invert, temperature 24.5° C-----	20.8	58.6
Polarization invert at 87° C-----	1.3	46.5
Ash (per cent)-----	.55	.8
Acids (cc N/10 alkali per 100 grams)-----	126.5	181.0
Insoluble solids (per cent)-----	.13	None.
Phosphoric acid, as P ₂ O ₅ (per cent)-----	.31	.57
Color -----	Natural.	Amaranth.
Salicylic acid -----	None.	None.
Benzoic acid-----	None.	None.
Arsenic -----	None.	None.

Misbranding of these products was charged in the indictment for the reason that the statements "Pure Apple Jelly" and "Compound Sugar Jelly" printed on the label attached to the products regarding the ingredients and substances contained therein were false and misleading in that there had been added to said apple jelly and compound sugar jelly an ingredient, to wit, phosphoric acid, which was not a normal constituent thereof.

(Count 3) On January 21, 1911, of a consignment of blackberry pie filling compound, packed in a wooden tub, which was misbranded. The product was labeled: "Bessire & Company's Mother's Make Mincemeat, Pie Fillings, Jellies, Jams, and Preserves, Blackberry Pie Filling Compound. Blackberry 30%, Apple 30%, Corn Syrup 40%. Our Serial Number is 6104. If It's Mother's Make It's It. Indianapolis, Louisville." Analysis of a sample of this product by the Bureau of Chemistry showed the following results: Solids, 68.5 per cent; nonsugar solids, 39.5 per cent; sucrose, Clerget, 0.7 per cent; reducing sugars as invert before inversion, 28.3 per cent; commercial glucose (factor 163), 66.5 per cent; polarization direct temperature 24.5° C., 111.8; polarization invert temperature 24.5° C., 110.9; polarization invert temperature 87° C., 108.4; ash, 0.79 per cent; acids (cc N/10 alkali per 100 grams), 126; insoluble solids, 8.17 per cent; phosphoric acid as P₂O₅, 0.03 per cent; color, natural; preservatives, none; taste, resembles blackberry. Misbranding was charged in the indictment for the reason that the statement 40 per cent corn syrup printed on the label regarding the ingredients and substances contained in the wooden tub and package was false and misleading in that the ingredients and substances did not contain

40 per cent of corn syrup, and in truth and in fact contained a much greater per cent of corn syrup, to wit, 65.5 per cent.

Thereafter, the case having been submitted to the court, a finding of guilty was entered as to the first count of the indictment and the defendant was sentenced to pay a fine of \$200 and costs. Nolle prosequi was entered as to the second and third counts of the indictment.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*

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